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**IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

EMERENCIANA PETER-PELICAN

CIVIL ACTION NO. 07-0022

Plaintiff,

V.

DECLARATION OF DAVID LOCHABAY

**GOVERNMENT OF THE
COMMONWEALTH OF THE
and TIMOTHY VILLAGOMEZ,
in his official and individual capacities,**

Defendants

COMES NOW David Lochabay, who would now declare as follows:

“My name is David Lochabay. I am over the age of majority, have never been convicted of a felony, am otherwise fully competent to make this Declaration, and would testify to the matters contained herein in a court of law if called upon to do so.

"I am employed as an Assistant Attorney General by the Commonwealth of the Northern Mariana Islands. As part of my duties I have been assigned to represent the Commonwealth and Timothy Villagomez in the above styled and numbered cause.

“On February 1, 2008, I caused to be e-filed Defendants’ Memorandum of Law in Support of Defendants’ Opposition to Plaintiff’s Motion for Partial Summary Judgment and Cross-Motion for Summary Judgment. The Memorandum was created in Wordperfect format. During the e-filing process within the Attorney General’s office the Memorandum was converted to Word format. This conversion was accompanied by errors of typeface and spacing, and resulted in a document which looks

1 unprofessional and was not in conformance with the Local Rules of the United States District Court for
2 the Northern Mariana Islands. This is the Memorandum which was actually e-filed.

3 "I have prepared an Errata which replaces the incorrect Memorandum with the original
4 Memorandum.

5 "I have discussed this matter with Douglas F. Cushnie, attorney for Plaintiff, and he has no
6 objection to substituting the original Memorandum for the filed Memorandum.

7 "I swear under penalty of perjury that the above and foregoing is true and correct, that I have
8 personal knowledge of the facts contained above, and that I execute this Declaration on the island of
9 Saipan, Commonwealth of the Northern Mariana Islands, this 4th day of February, 2008."

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11 /s/ David Lochabay
12 David Lochabay #F0305
13 Assistant Attorney General
14 Attorney for Defendants
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